

ORDER SHEET  
**HIGH COURT OF SINDH CIRCUIT COURT,  
HYDERABAD**

Criminal Miscellaneous Application No.S-633 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objections.
	2. For hearing of main case.
<u>16.05.2022</u>	

Mr. Mushtaque Ahmed Memon, Advocate for applicant.

Mr. Sundar Das, Advocate for the private respondents.

Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.

==

It is contended by learned counsel for the applicant that a cognizable offence in shape of mischief has taken place yet learned Ex-Officio Justice of Peace has declined to issue direction for recording F.I.R of the applicant vide order dated 18.09.2021, such order being illegal is liable to be set-aside by this Court with direction to police to record F.I.R of the applicant for the above said incident.

The learned Assistant Prosecutor General, Sindh and counsel for the private respondent by supporting the impugned order have sought for dismissal of instant criminal miscellaneous application by contending that the applicant is intending to involve the private respondents in false case only to satisfy his business rivalry with them.

Heard arguments and perused the record.

As per report furnished by S.S.P Tando Muhammad Khan there is business rivalry between the applicant and the private respondents. If for the sake of arguments; it is believed that the incident as alleged by the applicant has actually taken place and for that his F.I.R is not being recorded by the police then the applicant has an alternate and adequate remedy to exhaust by filing a direct complaint of such incident before the Court having jurisdiction. No illegality is apparent which may justify this Court to make interference with the impugned order by way of instant criminal miscellaneous application, it is dismissed accordingly.

JUDGE

Muhammad Danish